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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/357,262	07/20/1999	MASATOSHI SASE	450100-4995	8998

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EXAMINER
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TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 09/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/357,262

Applicant(s)

SASE ET AL.

Examiner

Nhan T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1 – 10 have been considered but are moot in view of the new ground(s) of rejection.

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 3, 4 and 6, 8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4 & 5 of copending Application No. 09,358,160. Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matters of set of claims 1, 3, 4 and 6, 8 are encompassed by claims 1, 4 & 5 of the Application No. '160.

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 - 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Udagawa (US 6,519,000) in view of Hieda et al (US 6,011,583).

Regarding claim 1, Udagawa discloses a video camera apparatus comprising:  
a solid state image sensor for outputting an image sensing signal in an interlaced scan mode (movie mode D<sub>B</sub> or D<sub>C</sub>) or a progressive scan mode (still image mode D<sub>A</sub>); wherein an image sensing charge in each pixel of the solid image sensor is output in the progressive scan mode and the image sensing charges from adjacent vertical pixels of the solid image sensor are added in the solid image sensor and output in the interlace scan mode (see Figs. 1-3; col. 1, lines 8-12; col. 2, lines 47-64 and col. 6, line 50 – col. 7, line 65 wherein, in the still image mode, one frame of image data is output during one field period without addition of charges while, in the movie

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mode, charges read out from adjacent pixels are added in horizontal transfer register 4 to output interlace signals);

image sensing signal processing means (DSP 15) supplied with the image sensing signal from the solid state image sensor (see Fig. 1; col. 5, lines 60-65);

control means (18) for performing control of switching an input to recording means, in correspondence with an operation mode of the solid state image sensor (see Fig. 1; col. 5, line 60 – col. 6, line 9 wherein the digital processing 15 switches image processing before outputting to memory card 17 in accordance with mode selection control output from system controller 18 and mode selection switch 19);

the recording means for recording image sensing signal read out from the solid state image sensor in the interlace scan mode, directly onto a recording medium (see col. 5, lines 46-65 in which signals output from the CCD 12 are either output via D/A converter 16 or recorded into the memory card 17, implying that the memory card is used for recording interlaced image signals in the interlace scan mode and also for recording progressive image signal in progressive scan mode).

Udagawa does not disclose scan converter means supplied with the image sensing signal from the image sensing processing means, for converting the image sensing signal read out from the solid state image sensor in the progressive scan mode into an interlaced scan signal and for outputting the interlaced signal to recording means. However, as taught by Hieda, a scan converter (4) is used for converting a progressive image sensing signal (a non-interlaced image sensing signal) output from an image sensor (1) into interlaced image signal and recording the

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interlaced signal into a recording medium (8) as shown in Fig. 1; col. 4, lines 58-65 & col. 7, lines 39-43.

It would enhance the video camera in Udagawa by providing a scan converter to enable recording of progressive image sensing signal in interlaced format so that a highly operable camera having both progressive and interlaced image sensing signals being recorded in the progressive scan mode.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Udagawa with Hieda by providing a scan converter to convert the image sensing signal output from the image sensor in progressive mode into an interlace scan signal and record the interlace scan signal onto the recording medium as an optional recording format so that a conventional interlaced format is always recorded regardless the operation modes of the image sensor thereby a highly operable camera is realized.

Regarding claim 2, Hieda shows switching means for performing switching between still image recording and motion image recording (see col. 6, lines 55-56).

Regarding claim 3, Udagawa shows switching means (19) for switching the operation mode of the image sensor (12) to progressive scan mode when the recording medium is memory card (see Fig. 1; col. 5, line 46 – col. 6, line 9 wherein the memory card 17 must be inserted into and detected by the camera before still image capturing in progressive scan mode  $D_A$  is executed).

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Regarding claim 4, Udagawa shows mode selection switch (19) for switching the operation mode of the solid state sensor to the progressive scan mode and the interlace scan mode (see Fig. 1 & col. 2, lines 47-64).

Regarding claim 5, the claimed limitations are analyzed with respect to claims 1 – 3.

Regarding claim 6, the claimed limitations are analyzed with respect to claim 1.

Regarding claim 7, the claimed limitations are analyzed with respect to claim 2.

Regarding claim 8, the claimed limitations are analyzed with respect to claims 1 – 3.

Regarding claim 9, the claimed limitations are analyzed with respect to claim 3.

Regarding claim 10, the combined teachings of Udagawa and Hieda has encompassed a step of switching an operation mode of the image sensor to the progressive scan mode and the interlace scan mode when the recording medium is a magnetic recording medium (see Udagawa in Fig. 1 and Hieda in Fig. 1; col. 6, lines 55-60 for magnetic tape 8).

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*Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

NT.

A handwritten signature in black ink, appearing to read 'Andrew Christensen', is written over a horizontal line.

**ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**